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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 ANOOP RAJKUMAR,

13 Plaintiff,

14 v.

15 CISCO SYSTEMS, INC., et al.,

16 Defendants.
17

Case No.: C 08-1600 PVT

**ORDER DENYING PLAINTIFF'S MOTION
FOR "PROTECTIVE ORDER"**

18 On July 16, 2009, Plaintiff filed a motion for "protective order."¹ Defendants opposed the
19 motion. Having reviewed the papers submitted by the parties, the court finds it appropriate to issue
20 this order without oral argument. Based on the moving, opposition and reply papers, and the file
21 herein,

22 IT IS HEREBY ORDERED that Plaintiff's motion for a protective order, and his request for
23 a temporary restraining order, is DENIED.

24 Plaintiff fails to cite the legal authority on which he bases this motion. From the substance of
25 his motion, it appears he seeks preliminary injunctive relief pursuant to Federal Rules of Civil
26 Procedure, Rule 65. However, he has not made the showing necessary to warrant such an order.
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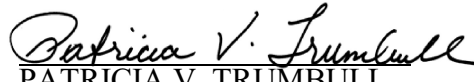
28 ¹ The holding of this court is limited to the facts and the particular circumstances
underlying the present motion.

1 Under Rule 65, preliminary injunctive relief is warranted only if the Plaintiff establishes that: 1) he is
2 likely to succeed on the merits; 2) he is likely to suffer irreparable harm in the absence of preliminary
3 relief, 3) the balance of equities tips in his favor; and 4) an injunction is in the public interest. *See*
4 *Winter v. Natural Resources Defense Council, Inc.*, ---U.S. ---, 129 S.Ct. 365, 374 (2008). Before
5 the second, third and forth of these factors are considered, a moving party must, at an “irreducible
6 minimum,” demonstrate some chance of success on the merits. *See Global Horizons, Inc. v. U.S.*
7 *Dept. of Labor*, 510 F.3d 1054, 1057-58 (9th Cir. 2007) (when a party fails to show any chance of
8 success on the merits, no further determinations of irreparable harm or balancing of equities are
9 necessary).

10 In the present case, Plaintiff has not shown any chance of success on the merits. As
11 discussed in the court’s order granting the Defendants’ motions for summary judgment, which will
12 be issued concurrent with or shortly after this order, the evidence submitted by Plaintiff does not tend
13 to show that any of the Defendants are responsible in any way for the harmful conditions and injuries
14 of which Plaintiff complains.

15 Because Plaintiff fails to show any chance of success on the merits, injunctive relief is
16 unwarranted. *See Global Horizons*, 510 F.3d at 1057-58.

17 Dated: 10/9/09

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19 PATRICIA V. TRUMBULL
20 United States Magistrate Judge
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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

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